

Good afternoon Senator Slossberg, Representative Fleischmann and Members of the Education Committee. My name is Jim McGaughey. Although I retired from the Office of Protection and Advocacy for Persons with Disabilities in May of last year, I have not retired from being an advocate. In fact, I am currently employed (on a very part-time basis) at the UCONN Center for Excellence in Developmental Disabilities (UCEDD), where, along with my colleagues, I am working on ways to improve policy and practice in areas such as the use of restraint and seclusion in schools and children's programs. So, I am very pleased to be here today representing the UCEDD to speak in support of **Bill No. 1060, An Act Concerning the Use of Restraint and Seclusion in Schools**.

As you are no doubt aware, recent reports issued by the State Department of Education and the Office of the Child Advocate point to significant problems with the overuse of restraint and seclusion in programs educating Connecticut special education students. In fact, it is clear that certain programs have become dependent on these practices, perhaps in the mistaken belief that "these kids need that", or that secluding or restraining a student is somehow therapeutic or educational. Less well known, but equally clear is the fact that other schools which are also educating students with significant behavior-related disabilities have found ways to greatly reduce and, in some cases, even eliminate the use of restraint and seclusion. They did this by implementing evidence-based, positive behavior support strategies and by training and communicating and making a commitment to sustain a school culture that is defined by positive expectations of everyone. This Bill would help move all Connecticut schools that educate special education students in that positive direction. It addresses a number of problems that have become evident with the current rules surrounding the use of restraint and seclusion. More specifically, the Bill would:

Eliminate the "IEP Exception" for Seclusion. Recent studies and reviews of professional literature confirm a growing consensus amongst educators and policy makers across the country that seclusion is not an effective strategy for reducing problem behaviors. The U.S. Department of Education summarized it this way in 2012:

As many reports have documented, the use of restraint and seclusion can, in some cases, have very serious consequences, including, most tragically, death. ***There is no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques.*** (U.S. Department of Education, "Restraint and Seclusion Resource Document", May, 2012. Emphasis added.)

In fact, not only is seclusion ineffective as an educational or behavioral learning strategy, there is growing evidence that being secluded can be traumatizing for a student, contributing to additional difficulties such as school anxiety, generalized anger and defiance, emotional wounding and damaged self-esteem. Ten states now limit the use of seclusion on children to emergency situations only, and two others ban it altogether. By allowing the use of seclusion to be written into a student's Individual Educational Plan (IEP), our current statute effectively legitimizes what is increasingly understood to be bad professional practice. As the Child Advocate's recent investigation report demonstrates, many of the students being subjected to this practice have not had the types of evaluations that could lead to

genuine insight into their behavioral and other learning needs. The easy availability of seclusion as a permitted behavioral consequence (punishment) leads programs to grow dependent on it as a management technique, and, in the process to shortchange those students. This is an area where the rules really matter.

As a point of clarification, it should be noted that seclusion – which is defined as confining someone in a room and preventing that person from leaving - is not the same thing as “time out”. Time out, or more technically, “time out from positive reinforcement” involves removing access to positive reinforcement for a time-limited period, sometimes by moving the student to a separate space, sometimes by just removing attention from the student. Time out does not require confinement in a room or a booth where the door is locked or held closed.

This Bill would limit the use of seclusion to emergency situations where there is a need to prevent imminent or immediate injury to either the student or someone else – the same standard required for the use of restraint. It would not prohibit time out as a behavioral intervention strategy. Nor would it in any way limit the use of de-escalation strategies that involve “taking a break” or “time away” – strategies that can, if not over-used, help students to learn adaptive, normative ways to recognize their needs and self-regulate their behavior.

Prohibit the Use of Prone Restraint. Importantly, the Bill would also prohibit the use of prone (face-down) restraint techniques. While all restraint techniques involve some risk of injury, either to the person being restrained or the people doing the restraining, studies have shown that prone restraints have produced higher levels of fatalities than other approaches. Restraining someone in a face-down position restricts movement of the rib cage and diaphragm, compresses internal organs and makes observation of the person’s respiration more difficult. People who are over-weight or who have respiratory or reflux problems are particularly at risk. This provision is an important clarification to our longstanding State policy which bans the use of “life threatening” restraint techniques.

Limit the Duration of Restraint and Seclusion. Limiting the duration of episodes of restraint or seclusion would also help address their overuse. However, I would suggest a different approach than that outlined in Section 1(e) of the Bill. If restraint and seclusion are to be used only in response to a behavioral emergency, it follows that their use should terminate as soon as that emergency is over. I am not sure that setting specific, age-related time limits, as called for in Section 1(e), will accomplish this goal. In fact, as I have reflected on this requirement, I have come to believe that setting such specific time limits may actually encourage school personnel to continue with a restraint or seclusion for the full period of time allowed in law, rather than releasing the student as soon as he or she has calmed down. However, having seen instances where people were held in seclusion long after they had ceased to present any risk of injury to anyone, I still believe it would be beneficial to statutorily limit the duration of an episode of restraint or seclusion. Rather than the age-related time limits stated in Section 1(e), I would suggest requiring that any use of restraint or seclusion terminate when the student no longer presents an immediate or imminent danger of injuring himself, herself, or others. Such a provision would recognize that prolonged periods of restraint and seclusion can actually aggravate behavioral dysregulation, precipitating additional crises, and, at the same time would underscore the fundamental policy direction embodied in the Bill: restraint and seclusion are to be understood and used as emergency interventions only.

Require Training. Section 2 of the Bill would require that the in-service training program already operated by each school district include, as part of its violence prevention and conflict resolution

component, training on restraint, seclusion and de-escalation techniques. Training and support for instructional and administrative staff are crucial elements in any effort to reduce dependence on restraint and seclusion. However, I am not sure that including this requirement in the already crowded list of mandatory subjects that must be addressed through districts' in-service training programs is sufficient. Special education programs that have developed a dependence on the use of restraint and seclusion as their behavioral response "bottom lines" need much more opportunity to develop awareness, secure technical support and build competencies than can be squeezed into on-going in-service training efforts. What is needed is a full-blown, State-wide project that both challenges the assumptions that underlie current practices, and makes available high levels of expertise to educators who are trying to pursue better approaches. Models of change do exist, but the most successful ones begin by addressing issues of overall climate and expectations for all members of the school community, drilling down to different strategies for individual students only after they have laid a solid foundation for all. This takes leadership and, sometimes, considerable effort. But, the results are beneficial on a number of levels – not just reductions in the use of restraint and seclusion. Investing in this kind of change ought to be a priority. Educators struggling to do the right thing need help and resources, and students need and deserve the opportunity to succeed.

The provisions of this Bill will go a long way toward securing fair treatment and educational opportunity for students with disabilities in our State. I urge you to support it.

Thank you for this opportunity to comment. If there are any questions, I will try to answer them.